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FILED

Date 10/14/14 By 

8 **BEFORE THE**
9 **STRUCTURAL PEST CONTROL BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2015-20

12 **JEFFREY W. ENOS**
4101 Innovator Drive
13 Sacramento, California 95834
14 and
8016 Lichen Drive
15 Citrus Heights, California 95621
16 and
2425 Sonoma Boulevard
17 Vallejo, California 94590

A C C U S A T I O N

18 **Field Representative's License No. FR 45206**

19 Respondent.

20
21 Susan Saylor ("Complainant") alleges:

22 **PARTIES**

23 1. Complainant brings this Accusation solely in her official capacity as the
24 Registrar/Executive Officer of the Structural Pest Control Board ("Board"), Department of
25 Consumer Affairs.

26 **Applicator License/Field Representative License**

27 2. On or about October 1, 2009, the Board issued Applicator License Number RA
28 50378, Branches 2 and 3, to Jeffrey W. Enos ("Respondent"), as an employee of Clark Pest

1 Control. On or about February 22, 2010, the applicator's license was downgraded to include
2 Branch 3 only, due to the issuance of a Branch 2 field representative license. On or about
3 November 11, 2010, Respondent left the employ of Clark Pest Control. The applicator's license
4 was cancelled from the Board's files on October 1, 2012.

5 3. On or about February 22, 2010, the Board issued Field Representative License No.
6 FR 45206, Branch 2, to Respondent, as an employee of Clark Pest Control. On or about
7 November 11, 2010, Respondent left the employ of Clark Pest Control. On or about March 21,
8 2012, Respondent's field representative license reflected employment with Earth Guard Pest
9 Management Services. On or about August 26, 2013, Respondent's field representative license
10 reflected employment with Applied Pest Management, Inc. On or about June 24, 2014, the field
11 representative license was suspended pursuant to Family Code section 17520. Respondent's field
12 representative license is currently in effect and was in effect at all times relevant to the charges
13 brought herein. The field representative license will expire on June 30, 2015, unless renewed.

14 **STATUTORY AND REGULATORY PROVISIONS**

15 4. Business and Professions Code ("Code") section 8620 provides, in pertinent part, that
16 the Board may suspend or revoke a license when it finds that the holder, while a licensee or
17 applicant, has committed any acts or omissions constituting cause for disciplinary action or in lieu
18 of a suspension may assess a civil penalty.

19 5. Code section 8654 states:

20 Any individual who has been denied a license for any of the reasons specified
21 in Section 8568, or who has had his or her license revoked, or whose license is under
22 suspension, or who has failed to renew his or her license while it was under
23 suspension, or who has been a member, officer, director, associate, qualifying
24 manager, or responsible managing employee of any partnership, corporation, firm, or
25 association whose application for a company registration has been denied for any of
26 the reasons specified in Section 8568, or whose company registration has been
27 revoked as a result of disciplinary action, or whose company registration is under
28 suspension, and while acting as such member, officer, director, associate, qualifying
manager, or responsible managing employee had knowledge of or participated in any
of the prohibited acts for which the license or registration was denied, suspended or
revoked, shall be prohibited from serving as an officer, director, associate, partner,
qualifying manager, or responsible managing employee of a registered company, and
the employment, election or association of such person by a registered company is a
ground for disciplinary action.

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1 6. Code section 8641 states:

2 Failure to comply with the provisions of this chapter, or any rule or regulation
3 adopted by the board, or the furnishing of a report of inspection without the making
4 of a bona fide inspection of the premises for wood-destroying pests or organisms, or
 furnishing a notice of work completed prior to the completion of the work specified in
 the contract, is a ground for disciplinary action.

5 7. Code section 8593 states, in pertinent part:

6 The board shall require as a condition to the renewal of each operator's and
7 field representative's license that the holder submit proof satisfactory to the board that
8 he or she has informed himself or herself of developments in the field of pest control
9 either by completion of courses of continuing education in pest control approved by
 the board or equivalent activity approved by the board. In lieu of submitting that
 proof, the licenseholder, if he or she so desires, may take and successfully complete
 an examination given by the board, designed to test his or her knowledge of
 developments in the field of pest control since the issuance of his or her license.

10 The board shall develop a correspondence course or courses with any
11 educational institution or institutions as it deems appropriate. This course may be
12 used to fulfill the requirements of this section. The institution may charge a
 reasonable fee for each course. . . .

13 8. California Code of Regulations, title 16, section ("Regulation") 1950 states, in
14 pertinent part:

15 (a) Except as provided in section 1951, every licensee is required, as a
16 condition to renewal of a license, to certify that he or she has completed the
17 continuing education requirements set forth in this article. A licensee who cannot
 verify completion of continuing education by producing certificates of activity
 completion, whenever requested to do so by the Board, may be subject to disciplinary
 action under section 8641 of the code.

18 (b) Each licensee is required to complete a certain number of continuing
19 education hours during the three year renewal period. The number of hours required
20 depends on the number of branches of pest control in which licenses are held. The
 subject matter covered by each activity shall be designated as "technical" or "general"
 by the Board when the activity is approved. Hour values shall be assigned by the
 Board to each approved educational activity, in accordance with the provisions of
 section 1950.5.

21 (d) Field representatives licensed in one branch of pest control shall have
22 completed 16 continuing education hours, field representatives licensed in two
23 branches of pest control shall have completed 20 continuing education hours, field
24 representatives licensed in three branches of pest control shall have completed 24
25 continuing education hours during each three year renewal period. In each case, a
 minimum of four continuing education hours in a technical subject directly related to
26 each branch of pest control held by the licensee must be completed for each branch of
27 pest control licensed, a minimum of two hours in Integrated Pest Management must
 be completed by Branch 2 and/or 3 licensees renewing on or after June 30, 2010, and
28 a minimum of eight hours must be completed from Board approved courses on the

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1 Structural Pest Control Act, the Rules and Regulations, or structural pest control
2 related agencies' rules and regulations. . . .

3 **COST RECOVERY**

4 9. Code section 125.3 states, in pertinent part, that a Board may request the
5 administrative law judge to direct a licensee found to have committed a violation or violations of
6 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
7 enforcement of the case.

8 **CAUSE FOR DISCIPLINE**

9 (Failure to Verify Completion of Continuing Education)

10 10. In or around July or August 2012, Respondent submitted a license renewal
11 application to the Board. On or about July 19, 2012, Respondent certified under penalty of
12 perjury on the application form that he completed 18 hours of continuing education during his last
13 renewal period.

14 11. On or about November 28, 2012, January 9, 2013, and October 23, 2013, a Board
15 representative sent Respondent written requests for copies of his continuing education certificates
16 for the renewal period July 1, 2009, through June 30, 2012. Respondent was advised that his
17 failure to verify his continuing education hours or to supply the requested information could
18 subject his field representative license to disciplinary action.

19 12. On or about December 27, 2013, Respondent informed a Board representative that he
20 would send his continuing education certificates immediately. On or about January 23, 2014, a
21 Board representative sent Respondent a letter informing him that the Board had not received
22 proof of completion of his continuing education requirements and that the matter was subject to
23 disciplinary action.

24 13. Respondent is subject to discipline pursuant to Code section 8641, in that he failed to
25 comply with Code Section 8593 and Regulation section 1950(a) by failing to verify that he
26 completed courses of continuing education in pest control approved by the Board. Specifically,
27 Respondent failed to submit copies of his continuing education certificates for the renewal period
28 July 1, 2009, through June 30, 2012, as requested by the Board representative.

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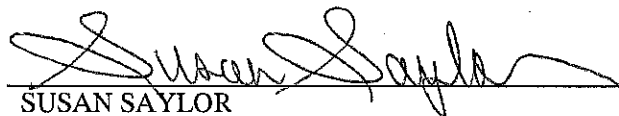
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4. Taking such other and further action as deemed necessary and proper.

DATED: 10/14/14



SUSAN SAYLOR
Registrar/Executive Officer
Structural Pest Control Board
Department of Consumer Affairs
State of California
Complainant

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